

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DENIS P. BRADY, et al.,

Plaintiff,

-against-

AMERICAN BANKERS INSURANCE
COMPANY OF FLORIDA,

Defendant.

REPORT AND
RECOMMENDATION
14-CV-684 (FB) (VVP)

POLLAK, United States Magistrate Judge:

Plaintiffs filed a complaint against defendant on January 31, 2014, alleging that defendant improperly denied insurance claims arising out of damage to plaintiffs' property due to Hurricane Sandy. On July 21, 2014, the undersigned held at conference with the parties and ordered plaintiffs to notify the Court by July 25, 2015 as to whether plaintiffs intended to pursue a contents claim. On July 25, 2014, plaintiffs filed a letter notifying the Court that they intended to "dismiss[] without prejudice all claims asserted" in this case. However, plaintiffs have failed to withdraw their claims or take any other action. As such, it is respectfully recommended that plaintiffs' claims be dismissed for failure to prosecute, unless plaintiffs advise the Court that they wish to continue to pursue their claims by **October 14, 2014**.

Any objections to this Report and Recommendation must be filed with the Clerk of the Court, with a copy to the undersigned, within fourteen (14) days of receipt of this Report. Failure to file objections within the specified time waives the right to appeal the District Court's order. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(e), 72(b); Small v. Secretary of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

The Clerk is directed to send copies of this Report and Recommendation to the parties either electronically through the Electronic Case Filing (ECF) system or by mail.

SO ORDERED.

Dated: Brooklyn, New York
September 30, 2014

/s/ CHERYL POLLAK -

Cheryl L. Pollak
United States Magistrate Judge
Eastern District of New York